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Melissa Mitchell*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EMMANUEL CABALLERO,  
  
Plaintiff,  
  
v.  
  
ROMEO ARANAS, *et al.*,  
  
Defendants.

Case No. 3:19-cv-00079-MMD-CLB

**MOTION TO EXTEND THE DEADLINE  
TO FILE AN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SANCTIONS IN LIGHT OF ECF NO. 56**

Defendants, Melissa Mitchell and the Estate of Gene Yup, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Meredith N. Beresford, Deputy Attorney General, hereby move to extend the deadline to file an Opposition to Plaintiff's Motion for Sanctions to September 8<sup>1</sup>, 2020.

Emmanuel Caballero is a prisoner in the lawful custody of the Nevada Department of Corrections (NDOC) and has submitted a Motion for Sanctions (Motion) (ECF No. 53). Defendants' deadline to respond to the Motion is August 24, 2020.

Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

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<sup>1</sup> September 7, 2020 is an observed Court holiday.

1 The proper procedure, when additional time for any purpose is needed, is to present a  
2 request for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge*  
3 *Line Co.*, 31 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and  
4 usually are granted on a showing of good cause if timely made under subdivision (b)(1) of  
5 the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947).

6 In this case, DAG Beresford spoke with Caballero on Wednesday, August 19, 2020  
7 and Friday, August 21, 2020 in an attempt to resolve the outstanding issues surrounding  
8 this Motion. During that call, Caballero graciously indicated he would not oppose a  
9 motion to extend the deadline if Defendants would seriously consider his request for an  
10 offer of judgment. As required, DAG Beresford must present the current offer to clients  
11 and determine whether there is any acceptance or counteroffer to be made. Further, in  
12 light of the Court's Order (ECF No. 56) setting a hearing approximately six weeks out,  
13 Defendants respectfully request additional time to respond in order to properly relay any  
14 offers/counteroffers and gather all information relevant to the Motion to provide to the  
15 Court.

16 During the meet and confer calls with Caballero, DAG Beresford informed him the  
17 discovery is forthcoming. DAG Beresford also informed him of the recent death of an  
18 immediate family member, to which Caballero was very kind. DAG Beresford did not  
19 believe an extension would be necessary until this morning.

20 Good cause exists to extend the time to file this opposition. This request is made in  
21 good faith and not for the purpose of delay. Defendant respectfully submits that none of  
22 the parties will be prejudiced by a two-week (14) day extension of time since the hearing  
23 regarding this matter is scheduled for September 25, 2020.

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1 If granted, the new deadline to file Defendant's Opposition to Motion for Sanctions  
2 would be Tuesday, September 8, 2020

3 DATED this 24th day of August, 2020.

4 AARON D. FORD  
5 Attorney General

6 By: /s/ Meredith N. Beresford  
7 MEREDITH N. BERESFORD, Bar No. 13308  
8 Deputy Attorney General

9 *Attorneys for Defendant*

10 **IT IS SO ORDERED.**

11 Dated this 24th day of Aug., 2020.

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13 **UNITED STATES MAGISTRATE JUDGE**  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 24th day of August, 2020, I caused to be served, a true and correct copy of the foregoing, **MOTION TO EXTEND THE DEADLINE TO FILE AN OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS IN LIGHT OF ECF NO. 56**, by U.S. District Court CM/ECF Electronic Filing on:

Emmanuel Caballero #1135573  
c/o Law Librarian  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702  
lawlibrarian@doc.nv.gov

/s/ Perla M. Hernandez  
An employee of the  
Office of the Attorney General